

Message Text

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17

ACTION EB-07

INFO OCT-01 EUR-12 EA-07 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SSO-00

INRE-00 SS-15 NSC-05 NSCE-00 /059 W

----- 020983

O 030436Z FEB 76

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC IMMEDIATE 843

INFO AMEMBASSY CANBERRA IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

LIMITED OFFICIAL USE WELLINGTON 0412

E.O. 11652: N/A

TAGS: EAIR, NZ

SUBJ: CIVAIR: PAN AM AND NZ SPECIAL FARES PROBLEMS

REF WELLINGTON 0360

1. THE CONTROLLER OF AIR SERVICES POLICY, FRASER NORTON, HAS JUST CALLED E/C COUNSELOR TO INQUIRE WHETHER THE EMBASSY HAD RECEIVED ANY INDICATION FROM DEPARTMENT OF ITS REACTION TO POINTS MADE DURING CALL OF DEPUTY SECRETARY OF TRANSPORT AND NORTON ON E/C COUNSELOR, (WELLINGTON 0360), ESPECIALLY THE REQUIREMENT THAT PAN AM FILE WITHOUT FURTHER DELAY IN ACCORDANCE WITH AIR NEW ZEALAND'S AGENT'S ADVICE OF 27 OCTOBER 1975 (SEE PARA 3 OF WELLINGTON 0093).

2. NORTON SAID THAT IT HAD COME TO THE ATTENTION OF GNZ CIVIL AVIATION AUTHORITIES THAT UTA HAD SENT AN ADVICE TO AGENTS WHICH PARALLELED THAT OF PAN AM'S NOTICE TO AGENTS. (ACCORDING TO PAN AM DIRECTOR FOR NZ, MORGAN UTA ADVICE GOES FARTHER THAN PAN AM ADVICE).

3. AFTER CONSULTATION WITH LEGAL PEOPLE OF CIVIL AVIATION, NORTON INSTRUCTED UTA TO WITHDRAW WITHIN 48
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HOURS "OR ELSE". HE STRESSED THIS SITUATION PUT REAL

PRESSURE ON GNZ TO TAKE ACTION AGAINST PAN AM WITHOUT FURTHER DELAY IF IT DID NOT BRING ITSELF INTO CONFORMANCE WITH THE LAW. HE SAID HE FEARED THAT ALITALIA, KLM AND QUATAS WOULD SOON START SELLING EXCURSION FARES TO EUROPE WITH ADDITIONAL (UNAUTHORIZED) STOP-OVER AND TRANSFER POINTS ON THE GROUNDS THAT IF PAN AM CAN DO IT FOR 3 MONTHS WITH IMPUNITY SO CAN THEY. GNZ WOULD THEN BE IN AN UNTENABLE POSITION.

4. HE REITERATED POINT MADE EARLIER ON SEVERAL DIFFERENT OCCASIONS ORALLY AND IN WRITING THAT GNZ HAS BEEN VERY PATIENT IN REFRAINING FROM TAKING ACTION AGAINST PAN AM WHILE THIS MATTER IS BEING SORTED OUT BUT PAN AM'S DEFIANCE OF GNZ LAW JUST COULD NOT CONTINUE.

5. NORTON SAID THAT "THE STATE DEPARTMENT HAS NEVER COME OUT AND SAID SPECIFICALLY WHAT IT DISAGREES WITH". WHEN E/C COUNSELOR POINTED OUT THAT EARLY IN NOVEMBER DEPARTMENT HAD EXPRESSED OPINION THAT THE ACTIONS TAKEN BY GNZ TO CANCEL EXISTING TARIFFS TO NZ OVER ROUTES WHICH INCLUDE A US-NZ SECTOR MAY NOT BE CONSISTENT WITH THE PROCEDURAL PROTECTION PROVIDED BY THE US-NZ 1964 AIR TRANSPORT AGREEMENT NORTON REFERRED TO THE OPINION OF GNZ THAT THE US-NZ AIR TRANSPORT AGREEMENT HAS NO BEARING WHATEVER ON NZ-UK 3RD AND 4TH FREEDOM TRAFFIC AS THIS IS 6TH FREEDOM TRAFFIC FOR PAN AM. FARES, TRANSFER AND STOP OVER POINTS FOR NZ-UK TRAFFIC WAS A MATTER FOR THESE TWO COUNTRIES TO DECIDE.

6. NORTON SAID THAT THERE WOULD BE A MEETING ON CIVIL AVIATION ON FEBRUARY 4 AND IT WOULD BE NECESSARY TO REPORT TO THE NEW MINISTER OF CIVIL AVIATION THE PRESENT STATUS OF THIS MATTER. IT WOULD BE MOST DIFFICULT TO EXPLAIN TO HIM WHY THIS SITUATION HAD NOT BEEN CLEARED UP. HE MAY GIVE INSTRUCTIONS TO EXPEDITE GNZ ACTION.

7. COMMENT: IT APPEARS THAT THE GNZ CIVIL AVIATION PEOPLE ARE COMING INCREASINGLY TO THE VIEW THAT PAN AM MUST BE INDUCED TO COMPLY WITH GNZ LAW WITHOUT DELAY OR THEY LIMITED OFFICIAL USE

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WILL FEEL OBLIGED TO TAKE SOME SORT OF PUNITIVE MEASURES. IT IS CLEAR THEY WOULD PREFER TO AVOID THIS BUT THEY NEED SOME POSITIVE ACTION BY PAN AM AND/OR USG. EMBASSY WOULD APPRECIATE GUIDANCE ASAP. SELDEN

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